

Notice of Allowability

Application No.

09/276,056

Examiner

JEAN B. FLEURANTIN

Applicant(s)

BLACK ET AL.

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/04.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/03,2/04,10/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


SHAHID ALAM
PRIMARY EXAMINER

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/04 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/10/03, 2/12/04 and 10/26/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Remarks

3. Applicants stated that "Applicant has reviewed the Notice of Allowance mailed October 19, 2004, and offers the following remarks to be considered with the Request for Continued Examination filed October 26, 2004. The Notice of Allowance mailed October 19, 2004 indicates that the Information Disclosure Statements filed on December 8, 2003 (Paper No. 25) and February 9, 2004 (Paper No. 31) fail to comply with MPEP 609(d), and have therefore not been considered as to the merits. Since Applicant has filed the Request for Continued Examination MPEP 609(d) is no longer applicable: as the prosecution of the application is no longer closed. As such, Applicant requests that the Information Disclosure Statements filed on December 10, 2003 and February 12, 2004 be fully considered.

In response to Applicant remarks, the information disclosure statement (IDS) submitted on 12/10/03 and 2/12/04 has been considered.

The CFR 1.181 Petition submitted 03/25/04 has been considered.

In this petition, applicant requested, entry of the amendment tiled after final on 1/21/04 for the above-referenced patent application.

In response to 03/25/04 Petition, since a request for continued examination filed 10/26/04 has been fully considered and entered, thus the amendment has been fully considered.

4. Claims 1-23 remain pending for examination.

Reasons for Allowance

5. Claims 1-23 are allowed over the prior.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1 and 18, the claimed features "transmitting the accounting records to first and second flow aggregation processes, with transmitting further comprising for each flow aggregation process awaiting an acknowledgment signal from the flow aggregation process that the flow aggregation process received the accounting records before discarding the accounting records sent to the flow aggregation process" in combination with other element of the independent claims would not found anticipated or obvious over the prior art made of record. With respect to claim 2, the claimed features "a first flow aggregation process, connected to the plurality of data collectors, wherein the data collectors send the collected data to the first flow aggregation process; and a second flow aggregation process, connected to the data collectors, wherein the data collectors send the collected data to the second flow aggregation process, and dispose of the collected data only after receiving and acknowledgement that the data has been received, with the second flow aggregation process processing the data to generate aggregated records" in combination with other element of the independent claims would not found anticipated or obvious over the prior art made of record.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed.

The closest prior art, Iddon et al. U.S. Patent No. 5,634,009 relates to collecting network data with a scalable data engine. Bruins et al. U.S. Patent No. 6,308,148 relates to responsive to message flow patterns but fail to teach the above limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONTACT INFORMATION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

May 26, 2006


SHAHID ALAM
PRIMARY EXAMINER